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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Scott Bass

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EXAMINER

FELTEN, DANIEL S

ART UNIT

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3696

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/812,831	Applicant(s) BASS, SCOTT	
	Examiner DANIEL S. FELTEN	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Interview Summary

1. This Office Action is presented in response to the Interview April 23, 2007 with Mr. Timothy May (Reg. No. 41,538) in regards to the 35 USC § 103(a) rejection using Haworth (US 2002/0123946) mailed October 20, 2006. It was agreed that the rejection would be withdrawn because there is a common ownership and a subject to an obligation of assignment between Haworth and the present application as pointed out by Mr. May reciting MPEP 706.02(l)(2). Thus new rejections have been provided below in view of Wellons et al (US 7,318,046)

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-8, 12 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Wellons et al (US 7,318,046).

Wellons discloses a methods and systems for providing debt recovery and for offering debt recovery product(s) (options) to customers having delinquent accounts (see Wellons, Abstract), comprising:

--retrieving delinquent account information corresponding to a customer (see Wellons, column 7, lines 6-13), *as in claims 1, 15 and 16*

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--determining a set of debt recovery offers for the customer based on the delinquent account information (see Wellons, column 7, lines 14-30, column 5, lines 17-38), *as in claims 1, 15 and 16*

--ranking the debt recovery offers of the set of debt recovery offers when there is more than one debt recovery offer in the set (see “recommended best promise amount”, column 7, lines 61-67)

--receiving customer selection information from the customer (via negotiations with the collector), the customer selection information customizing a debt recovery product corresponding to one of the set of debt recovery offers (see Wellons, column 3, lines 12-17; and column 7, lines 31-38; and column 7, lines 61+), *as in claims 1, 15 and 16*

--storing debt recovery account information in an account database (see Wellons, Abstract, figs. 8A-B, column 15, lines 8-17), *as in claim 3*

--wherein the set of recovery offers includes at least one of a debt recovery credit card offer, an installment loan offer, and a quick repayment re-payment offer (see Wellons Abstract), *as in claim 4*

--wherein the set of debt recovery offers includes a debt recovery credit card offer, and installment loan offer, and a quick repayment offer (see Wellons, Abstract), *as in claim 5*

--wherein the customer selection information comprises a preferred payment due date (see Wellons, column 9, lines 21-63), *as in claim 6*

--wherein the customer selection information comprises a repayment period (see Wellons, column 10, lines 21-63), *as in claim 7*

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--wherein the customer selection information comprises a number of payments (see column 10, lines 19-27), *as in claim 8*

--wherein the delinquent account information includes at least one of amount of delinquent debt, last payment date, last payment amount, type of debt, previous payment history and credit bureau history (see Wellons Abstract), *as in claim 12*

--An apparatus for offering debt recovery products to customers having delinquent accounts, comprising:

--an account database that stores delinquent account information for a plurality of delinquent accounts (see Wellons, Abstract, figs. 8A-B, column 15, lines 8-17), *as in claim 14*

--an offer decision model that determines a set of debt recovery offers for a customer based on delinquent account information that corresponds to the customer (see), *as in claim 14*

--a server (20) that receives customer selection information from the customer, the customer selection information customizing a debt recovery product corresponding to one of the set of debt recovery offers (see fig. 7, column 14, lines 32-52)), *as in claim 14*

--a fulfillment engine that creates a debt recovery account for the customized debt recovery product (see column 7, lines 14-30, column 5, lines 17-38), *as in claim 14*

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellons et al (US 7,318,046)

Re claim 2: Wellons discloses reading delinquent account information corresponding to the account from an account database, but fails to receiving an account number from the customer per se. it is known in the debt collections/bill payment art that a customer may provide a system with an account number so as to allow the system to pull up information from a database regarding the customer's account. Thus Official Notice is taken of the customer providing account information as being an obvious extension of Wellons to provide collection and/or bill payment information to the collector and/or customer.

Re claim 13: It is common practice in collections systems that when a debt is considered uncollectible by a debtor that the debt is written off as such. This Official Notice is taken of delinquent accounts that are charged-off accounts that it would be what one of ordinary skill at the time of Wellons would expect being within the level of ordinary skill in the collections art.

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al (US 6,532,450) discloses a financial management system including an offset payment process

Hinkle et al (US 2002/0116245) discloses a method and system for prioritizing debt collections

Kosiba et al (US 6,098,052) discloses a credit card collection strategy model

Shao et al (US 7,191,150) discloses enhancing delinquent debt collections using statistical models

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten
Primary Examiner
Art Unit 3696

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